

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SIOUX SUMMER NECKLACE,

Defendant.

CR-15-88-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston conducted a revocation hearing in this matter on April 4, 2019. (Doc. 46.) The United States accused Defendant Sioux Summer Necklace of violating his conditions of supervised release by: 1) committing another federal, state, or local crime; 2) committing another federal, state, or local crime; and 3) consuming alcohol. (Doc. 44 at 2-3.) Necklace admitted that he had violated the conditions of his supervised release by consuming alcohol. (Doc. 46.) The Government elected not to present evidence that Necklace had committed two other crimes. *Id.*

Judge Johnston entered Findings and Recommendations on April 5, 2019. (Doc. 50.) Judge Johnston recommended that the Court revoke Necklace's supervised release. *Id.* at 3. Judge Johnston recommended that the Court commit Necklace to the custody of the Bureau of Prisons for period of 12 months with no

period of supervised release to follow. *Id.* Judge Johnston recommended that the supervised release conditions previously imposed be continued. *Id.*

Necklace waived his right to object to Judge Johnston's Findings and Recommendations. *Id.* at 3. The Government did not file an objection. The Court will review Judge Johnston's Findings and Recommendations for clear error. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no clear error in Judge Johnston's Findings and Recommendations. Necklace's violation represents a serious breach of the Court's trust. A custodial sentence of 12 months with no term of supervised release to follow, is a sufficient, but not greater than necessary sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 50) is **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant Sioux Summer Necklace is sentenced to 12 months in custody with no term of supervised release to follow.

DATED this 10th day of April, 2019.



Brian Morris
United States District Court Judge